

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SIVA RAE BELLOVICH,

Plaintiff,

V.<sub>3</sub>

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. 2:16-CV-01907-RSM-DWC

## REPORT AND RECOMMENDATION

The District Court has referred this action, filed pursuant to 42 U.S.C. § 405(g), to United States Magistrate Judge David W. Christel. Presently before the Court is Defendant's Stipulated Motion for Remand. Dkt. 17. After reviewing Defendant's Stipulated Motion and the relevant record, the Court recommends the following:

Defendant's Motion be granted, and the case be reversed and remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g).

On remand, the Court recommends the Administrative Law Judge (ALJ) shall:

- Hold a de novo hearing, and issue a new decision;
- Reconsider the Plaintiff's symptom testimony in accordance with SSR 16-3p.; and
- Re-evaluate the RFC and Step Five findings.

The parties agree Plaintiff is entitled to reasonable attorney fees, expenses, and costs under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 and 1920, upon proper request to the Court.

Given the facts and the parties' stipulation, the Court recommends the District Judge immediately approve this Report and Recommendation.

Dated this 1st day of August, 2017.

Mrs Christel

David W. Christel  
United States Magistrate Judge